



DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. 2014 - 0005]

Notice of Request for the Extension of a Currently Approved Information Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to renew the following information collections: Title VI as it Applies to FTA Grant Programs; Nondiscrimination as it Applies to FTA Grant Programs ; and Charter Service Operations. The collections involve FTA's Title VI, Nondiscrimination, and Charter Service Operations Programs. The information to be collected for the Title VI Program is necessary to ensure that service and benefits are provided non-discriminatorily without regard to race, color, or national origin. The information to be collected for the Nondiscrimination Program is necessary to ensure that any employee or applicant for employment is not discriminated against on the basis of race, color, creed, sex, national origin, age or disability. The information collected for the Charter Service Program is necessary to protect charter service providers from unauthorized competition by FTA recipients.

DATES: Comments must be submitted before (Insert date 60 days after publication in the Federal Register).

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. Website: www.regulations.gov. Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at www.regulations.gov. Commenters should follow the directions below for mailed and hand-delivered comments.
2. Fax: 202-493-2251.
3. Mail: U.S. Department of Transportation, 1200 New Jersey Avenue S.E., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, D.C. 20590-0001.
4. Hand Delivery: U.S. Department of Transportation, 1200 New Jersey Avenue S.E., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, D.C. 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to Internet users, without change, to www.regulations.gov. You may review DOT's complete Privacy Act Statement in the Federal Register published April 11, 2000, (65 FR 19477), or you may visit www.regulations.gov. Docket: For access to the docket to read background documents and comments received, go to www.regulations.gov at any time. Background documents and comments received may also be viewed at the U.S. Department of

Transportation, 1200 New Jersey Avenue S.E., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, D.C. 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT:

Title VI as it applies to Federal Transit Programs - Mr. Jonathan Ocana, Equal Opportunity Specialist (202) 366-4018, or e-mail: Jon.Ocana@dot.gov.

Nondiscrimination as it Applies to FTA Grant Programs - Ms. Anita Heard, Equal Opportunity Specialist (202) 493-0318, or e-mail: Anita.Heard@dot.gov

Charter Service Operations - Candace Key, Attorney Advisor (202) 366-4011 or e-mail: Candace.Key@dot.gov.

SUPPLEMENTARY INFORMATION:

Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Title VI as it Applies to FTA Grant Programs

(OMB Number: 2132-0540)

Background: Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) states:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination

under any program or activity receiving Federal financial assistance."

To achieve this purpose, each Federal department and agency which provides financial assistance for any program or activity is authorized and directed by the Department of Justice (DOJ) to effectuate provisions of Title VI for each program or activity by issuing generally applicable regulations or requirements. The Department of Transportation (DOT) has issued its regulation implementing this DOJ mandate.

In this regard, the responsibility of the FTA is to ensure that Federally-supported transit services and benefits are distributed by applicants, recipients, and subrecipients of FTA assistance in a manner consistent with Title VI. The employment practices of a grant applicant, recipient, or subrecipient are also covered under Title VI if the primary purpose of the FTA-supported program is to provide employment or if those employment practices would result in discrimination against beneficiaries of FTA-assisted services and benefits.

FTA policies and requirements are designed to clarify and strengthen Title VI (service equity) procedures for FTA grant recipients by requiring submission of written plans and approval of such plans by the agency. All project sponsors receiving financial assistance pursuant to an FTA-funded project shall not discriminate in the provision of services because of race, color, or national origin. Experience has demonstrated that a program requirement at the application stage is necessary to assure that benefits and services are equitably distributed by grant recipients. The requirements prescribed by the Office of Civil Rights are designed to accomplish this objective and diminish possible vestiges of discrimination among FTA grant recipients. FTA's assessment of the requirements indicated that the formulation and implementation of the Title VI Program should occur with a decrease in costs to such applicants

and recipients.

Respondents: Transit agencies, States and Metropolitan Planning Organizations.

Estimated Total Annual Burden on Respondents: 45 hours for each of the 316 Equal

Employment Opportunity (EEO) submissions

Estimated Total Burden: 5,332 hours

Frequency: Annually

Title: Nondiscrimination as it Applies to FTA Grant Programs

(OMB Number: 2132-0542)

Background: 49 Code of Federal Regulations, Part 21.5 states: "Where a primary objective of the Federal financial assistance to a program to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees)."

All entities receiving Federal financial assistance from FTA are prohibited from discriminating against any employee or applicant for employment because of race, color, creed, sex, national origin, age, or disability. To ensure that FTA's EEO procedures are followed, FTA requires grant recipients to submit written EEO plans to FTA for approval. FTA's assessment of this requirement shows that formulating, submitting, and implementing EEO programs should minimally increase costs for FTA applicants and recipients. To determine a grantee's compliance with applicable laws and requirements, grantee submissions are evaluated and

analyzed based on the following criteria. First, an EEO program must include an EEO policy statement issued by the chief executive officer covering all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment. Second, the policy must be placed conspicuously so that employees, applicants, and the general public are aware of the agency's EEO commitment. The data derived from written EEO and affirmative action plans will be used by the Office of Civil Rights in monitoring grantees' compliance with applicable EEO laws and regulations. This monitoring and enforcement activity will ensure that minorities and women have equitable access to employment opportunities and that recipients of federal funds do not discriminate against any employee or applicant because of race, color, creed, sex, national origin, age, or disability.

Respondents: Transit agencies, States and Metropolitan Planning Organizations.

Estimated Total Annual Burden on Respondents: 25 hours for each of the 97 EEO submissions

Estimated Total Burden: 2,425 hours

Frequency: Annually

Title: **Charter Service Operations**

(OMB Number: 2132-0543)

Background: FTA recipients may only provide charter bus service with FTA-funded facilities and equipment if the charter service is incidental to the provision of transit service (49 U.S.C. 5323(d)). This restriction protects charter service providers from unauthorized competition by FTA recipients.

The requirements of 49 U.S.C. 5323(d) are implemented in FTA's charter regulation (Charter Service Rule) at 49 C.F.R. Part 604. Amended in 2008, the Charter Service Rule now

contains five (5) provisions that impose information collection requirements on FTA recipients of financial assistance from FTA under Federal Transit Law.

First, 49 C.F.R. Section 604.4 requires all applicants for Federal financial assistance under Federal Transit Law, unless otherwise exempted under 49 C.F.R. Section 604.2, to enter into a "Charter Service Agreement," contained in the Certifications and Assurances for FTA Assistance Programs. The Certifications and Assurances become a part of the Grant Agreement or Cooperative Agreement for Federal financial assistance upon receipt of Federal funds. The rule requires each applicant to submit one Charter Service Agreement for each year that the applicant intends to apply for the Federal financial assistance specified above.

Second, 49 C.F.R. Section 604.14(3) requires a recipient of Federal funds under Federal Transit Law, unless otherwise exempt, to provide email notification to all registered charter providers in the recipient's geographic service area each time the recipient receives a request for charter service that the recipient is interested in providing.

Third, 49 C.F.R. Section 604.12(c) requires a recipient, unless otherwise exempt under 49 C.F.R. Part 604.2, to submit on a quarterly basis records of all instances that the recipient provided charter service.

Fourth, 49 C.F.R. Section 604.13 requires a private charter provider to register on FTA's Charter Registration Website at <http://ftawebprod.fta.dot.gov/CharterRegistration/> in order to qualify as a registered charter service provider and receive email notifications by recipients that are interested in providing a requested charter service. The rule requires that a registered charter service provider must update its information on the Charter Registration Website at least once every two years. Currently, there are a total of 192 registered private charter service providers. Registration has consistently decreased over the years.

Lastly, 49 C.F.R. Section 604.7 permits recipients to provide charter service to Qualified Human Service Organizations (QHSO) under limited circumstances. QHSOs that do not receive Federal funding under programs listed in Appendix A to Part 604 and seek to receive free or reduced rate services from recipients must register on FTA's Charter Registration Website (49 C.F.R. Section 604.15(a)).

Respondents: State and local government, business or other for-profit institutions, and non-profit institutions.

Estimated Annual Burden on Respondents: 1.75 hours for each of the 955 Recipient respondents, 0.5 hours for each of the 53 non-profit respondents, and 0.5 hours for each of the 192 for-profit respondents.

Estimated Total Burden: 369.7 hours

Frequency: Annually, bi-annually, quarterly, and as required

Matthew M. Crouch,
Associate Administrator for Administration.

[FR Doc. 2014-02421 Filed 02/05/2014 at 8:45 am; Publication Date: 02/06/2014]